

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, JANUARY 29, 2001

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with Messrs. Bloomfield, Dale, Raser and Senhauser and Mmes. Borys, Spraul-Schmidt, Sullebarger and Wallace present. Mr. Kreider was excused.

MINUTES

The minutes of the December 18, 2000, meeting were approved (motion by Bloomfield, second by Sullebarger).

CERTIFICATE OF APPROPRIATENESS AND SUBSTITUTION OF NON-CONFORMING USES, 1321 PENDLETON STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Daniel Young presented the staff report on an application for a Certificate of Appropriateness for exterior alterations and approval of a change of use for a café and artists' studios.

In answer to a question by Ms. Sullebarger, Mr. Young and Mr. Forwood said that until the plywood covering the storefront is removed, what is underneath will not be known. This is one of the reasons staff recommends that final approval by the Urban Conservator of the project be required. Frank Penrose Russell, architect for the project, and Jim Verdin representing The Verdin Company, building owner, were present to answer questions.

In response to a question by Ms. Borys, Mr. Russell said the five-foot easement on the adjacent property, even though the property is also owned by The Verdin Company, is required to install the windows.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger second by Borys) to approve a Certificate of Appropriateness and a "Substitution for a Non-Conforming Use" to permit the building at 1321 Pendleton Street in the Over-the-Rhine (South) Historic District to be used as a café and artists' studios, on the condition that detailed plans for the storefront restoration be submitted to and approved by the Urban Conservator within six months.

APPROVAL OF A DEVELOPMENT PLAN AND A CERTIFICATE OF APPROPRIATENESS, 1331 VINE STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report on a plan to expand a retail business selling cell phones and pagers at 1331 Vine Street and install an awning with a sign. The cell phone business is already in place; a sign has been installed;

and at some time since 1995, the exterior of the building has been significantly altered; all of this has been done without a COA and perhaps without building permits.

David Shalash, who owns the buildings at 1333 and 1335 Vine Street as well as 1331 Vine Street, and Bob Carpenter, representing the company who will install the awning, were present to answer questions.

In light of two letters opposing the project received since the staff report was written, Ms. Sullebarger questioned whether the use of the building as a business selling cell phones and pagers is appropriate. The authors of the letters perceive the business as contributing to the drug trade in the neighborhood and being against the interest of public peace, health, safety and general welfare.

Mr. Bloomfield asked whether *all* uses are conditional in a T-zone; Ms. Kellam explained that a change of use requires approval for the new use because the transitional use runs with the business, not the property.

Mr. Dale asked whether it is clear that the building alterations have occurred since the establishment of the OTR historic district requiring a COA that the owners failed to get. Mr. Forwood explained that a building permit and COA were approved but did not include the exterior work done.

Ms. Wallace asked what type of retail is currently approved for the location. Mr. Shalash said the former business was a no-longer-existent snack shop; this application is for a new business in the location.

Ms. Borys and Mr. Bloomfield questioned whether the *perceived* threat of public danger from a retail source of pagers and cell phones is a compelling enough reason to deny a COA for the business. Ms. Wallace commented that cell phones provide access for legitimate purposes; denying the COA deprives people in the area this access.

Mr. Bloomfield expressed concern about the unauthorized alterations already made and requested a plan for the three buildings at the corner, 1331, 1333 and 1335 Vine Street, stressing the importance of the appearance of Vine Street to its future.

BOARD ACTION

The Board voted five to two (motion by Bloomfield second by Raser) to table this item pending receipt of suitable plans for development of the entire building at 1331, 1333 and 1335 Vine Street.

OTHER ITEMS:

1. Compilations of November and December 2000 Historic Reviews were included in meeting packets mailed to HCB members.
2. Mr. Forwood reported that Councilmembers DeWine and Tarbell have proposed changing the boundaries for the Neighborhood Housing Retention ordinance to include only areas north of Liberty Street and extending the ordinance for no

more than two years to allow completion of the OTR master plan and a recommendation upon an extension of the historic district to the north, or some other legislation.

Ms. Sullebarger said she has seen the actual motion and that it gives the HCB authority to review demolitions in the area covered by the present NHR that is not in a historic district. She said it does not mention an Interim Development Control (IDC) district or criteria for determining appropriateness for demolition. She suggested that the HCB response to this should be to recommend that, if the OTR (North) Historic District is on hold until the OTR plan is finished, it implies an anticipated zone change, and recommend an IDC for the north section of OTR until the district is established. She said that then the HCB will have guidelines for review of demolition applications; the effect will be the same as the motion but will be much clearer.

Mr. Young explained that an IDC requires the HCB to review specific permit applications and make comments to the City Planning Commission, which makes the final decision.

Mr. Senhauser said that in a discussion with Councilmembers DeWine and William Langevin, he, Mr. Forwood and Mr. Kreider observed some sympathy on the part of Mr. DeWine and Mr. Langevin for the use of an IDC as an interim measure to control demolition until the OTR plan is completed. The Board asked Mr. Forwood to follow up on this issue for clarification of the motion and its impact. Mr. Senhauser said that if the Board will sit in review, it must have criteria for review and authority to review. He suggested the existing enabling legislation makes an IDC the appropriate vehicle for doing this.

Mr. Forwood pointed out that Councilmember DeWine seemed to think the HCB was doing such a good job that the Housing Retention Act is no longer required; he said Mr. DeWine must believe the HCB will continue to do a good job or he would not suggest giving the Board extended authority.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned (motion by Borys second by Spraul-Schmidt).

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date